

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sheila Donovan	Team: Team # 7	CCRB Case #: 200613588	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 10/07/2006 1:35 AM	Location of Incident: Clarendon Road & East 48th Street	Precinct: 67	18 Mo. SOL 4/7/2008	EO SOL 4/7/2008	
Date/Time CV Reported Sat, 10/07/2006 1:35 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 10/12/2006 4:02 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM John Tancredi	00192	924537	067 PCT
2. SGT Richard Pignatelli	03681	918160	067 PCT
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jerome Teahan	17587	917184	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Richard Pignatelli	Abuse: Sgt. Richard Pignatelli searched § 87(2)(b)	
B.SGT Richard Pignatelli	Abuse: Sgt. Richard Pignatelli supervised the search of the car in which § 87(2)(b) and § 87(2)(b) were occupants.	
C.SGT Richard Pignatelli	Abuse: Sgt. Richard Pignatelli refused to provide his name to § 87(2)(b)	
D.POM John Tancredi	Abuse: PO John Tancredi searched § 87(2)(b)	
E. An officer	Abuse: An officer searched § 87(2)(b)	
F.SGT Richard Pignatelli	Force: Sgt. Richard Pignatelli used physical force against § 87(2)(b)	
G.POM John Tancredi	Force: PO John Tancredi used a chokehold against § 87(2)(b)	
H.SGT Richard Pignatelli	Force: Sgt. Richard Pignatelli used physical force against § 87(2)(b)	
I. An officer	Abuse: An officer refused to provide his shield number to § 87(2)(b) at the 67th Precinct stationhouse.	

Synopsis

On October 7, 2006, § 87(2)(b) § 87(2)(b) called the Internal Affairs Bureau and filed his complaint. § 87(2)(b) called the IAB on October 8, 2006, and filed a duplicate. They claimed that on October 7, 2006, at approximately 1:30AM, in the vicinity of Clarendon Road and East 48th Street in Brooklyn, § 87(2)(b) was stopped by Sgt. Richard Pignatelli, PO John Tancredi and PO Jerome Teahan, while driving § 87(2)(b)'s vehicle. § 87(2)(b) was asked to come out of the vehicle and was allegedly searched (Allegation A). The other occupants of the vehicle, § 87(2)(b) and § 87(2)(b) were asked to come out of the vehicle also while the vehicle was searched by officers (Allegation B). § 87(2)(b) claimed that he asked Sgt. Pignatelli for his name and he refused (Allegation C). § 87(2)(b) and § 87(2)(b) claimed that PO Tancredi searched § 87(2)(b) (Allegation D). § 87(2)(b) claimed that § 87(2)(b) was also searched by an officer at this time (Allegation E). § 87(2)(b) stated that he tried to take a video with his phone and that Sgt. Pignatelli twisted his arm and took his cellphone away, throwing it into the vehicle (Allegation F). § 87(2)(b) alleged that an unidentified officer threatened to arrest § 87(2)(b). § 87(2)(b) § 87(2)(b) alleged that PO Tancredi grabbed him by the neck, causing him to experience an asthma attack (Allegation G) and that Sgt. Pignatelli twisted § 87(2)(b)'s arm (Allegation H). § 87(2)(b) alleged that at the 67th Precinct stationhouse, he asked an unidentified officer for his shield number but he refused (Allegation I). According to the IAB log, § 87(2)(b) claimed that § 87(2)(b) was also struck in the face with a closed fist. § 87(2)(b) was charged § 87(2)(a) 160.50

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) called the IAB to make a complaint on October 7, 2006 (2A-2E). § 87(2)(g)

§ 87(2)(b) was interviewed at the CCRB on October 17, 2006 (4A-4C). He stated that on October 7, 2006, at 1:35AM, at Clarendon Road and East 48th Street in Brooklyn, § 87(2)(b) had stopped at a red light. The area is residential. He was driving § 87(2)(b)'s vehicle, a gold colored car with four doors and without tints, while § 87(2)(b) was in the passenger's seat and § 87(2)(b) was in the back. They had dropped someone off at a place called § 87(2)(b) on Ralph Avenue and had stayed there for about fifteen minutes but did not have anything to drink and did not even go inside the bar. At the intersection, in the right lane, there was a red minivan. § 87(2)(b) heard a police siren coming from a black Impala behind him make a "whoop" sound one time. § 87(2)(b) moved ahead a little bit in order to get out of the police car's way and the car to his right also moved and they almost collided but the red minivan pulled ahead and § 87(2)(b) moved to the right to get out of the police vehicle's way. However, he realized the police vehicle was following him when he drove slowly through the intersection and pulled over to the right side of the road to give the police vehicle room to go. The police car pulled behind him. An officer, identified through this investigation as Sgt. Richard Pignatelli, came to him at the driver's side

of the car and told him to stop because his car was still slowly moving. § 87(2)(b) stopped. Sgt. Pignatelli was with two other officers in the black Impala. They were dressed in plainclothes and were all white males. Sgt. Pignatelli was the driver and was described by § 87(2)(b) as heavyset, clean-shaven, in his mid to late thirties and approximately 5'5" tall. Sgt. Pignatelli asked § 87(2)(b) if he was intoxicated. § 87(2)(b) said that he was not. Sgt. Pignatelli told him that he was driving slowly under a green light and asked § 87(2)(b) to get out of the car. § 87(2)(b) asked why and asked Sgt. Pignatelli if he had a warrant. Sgt. Pignatelli told him that he did not need a warrant and that he was doing his job. § 87(2)(b) got out of the car and went to the trunk of the car because that was where he was told to go. Sgt. Pignatelli put his hands in § 87(2)(b) pockets and felt around his waist. Sgt. Pignatelli asked him for his license. The front passenger of the police car, identified as PO John Tancredi went to the passenger's side of § 87(2)(b)'s car. § 87(2)(b) did not see where the third officer, identified through the investigation as PO Jerome Teahan, went in proximity to the vehicle.

§ 87(2)(b) and § 87(2)(b) were also told to come out of the car and were waiting at the passenger side of the car. Two of the officers searched the car while Sgt. Pignatelli was with § 87(2)(b). § 87(2)(b) asked Sgt. Pignatelli for his name and badge number. Sgt. Pignatelli told him that he did not have to give him anything. The officers went into the glove compartment. They had flashlights and were searching under the seats. They looked everywhere except the trunk. After they searched the car, PO Tancredi and PO Teahan searched § 87(2)(b) and § 87(2)(b). § 87(2)(b) stated that the officers went through their pockets, felt down their pants and felt their boots.

One of the officers asked them to go into the car and not to move. They went back into the car. § 87(2)(b) was saying that they needed to get the officers' badge numbers. § 87(2)(b) got out his phone in order to video tape the officers and got out of his car. Sgt. Pignatelli got out of his car, grabbed the phone from § 87(2)(b) and threw it into the car, twisting his arm. § 87(2)(b) got back into the car. Sgt. Pignatelli took his phone away a second time but § 87(2)(b) did not describe the second time it happened in any detail. § 87(2)(b) was in the car. He got out of the car and asked for names and information. One of the officers said, "Be quiet, shut up. Go in the car." When § 87(2)(b) went back into the car, an officer told him that they would arrest him if he wasn't quiet. § 87(2)(b) kept talking. PO Tancredi put his hand on § 87(2)(b)'s throat through the window. § 87(2)(b) could not describe what part of the officer's arm or hand was on § 87(2)(b)'s throat. Another officer grabbed § 87(2)(b)'s arm and they pulled him out of the car and put him in handcuffs and into their car. PO Teahan went to the car to talk to § 87(2)(b) and told him that they were trying to be fair. About twenty minutes later, § 87(2)(b) went to the 67th Precinct and called the IAB. One of the officers provided his badge number, PO Tancredi, at the stationhouse because at the time they were on the phone with the IAB. A different officer, § 87(2)(b) could not indicate who, refused to provide his information. A sergeant tried to speak to them. § 87(2)(b) asked him why he was trying to get involved since he was not there. A civilian witness, named § 87(2)(b) and identified through the investigation as § 87(2)(b) witnessed the incident. They were supposed to meet him on Clarendon Road.

§ 87(2)(b) showed a video of the officers that he had taken on his phone during the incident. However, there was nothing on the video to support or to challenge the allegations that § 87(2)(b) had made and there was no evidence on the video of any struggle taking place between the officers and the alleged victims.

Results of Investigation

§ 87(2)(b) reported his complaint to the IAB on October 8, 2006 (2A-2E). During this call to the IAB he stated that he was choked during a car stop causing him to experience asthma and that an officer threw his phone on the ground when he was outside of his car trying to take video of the officers. § 87(2)(g)

§ 87(2)(b) was interviewed at the CCRB on October 17, 2006 (5A-5C). During this interview, he stated that on October 7, 2006 at 1:35AM, § 87(2)(b) was in his car's front passenger seat while § 87(2)(b) drove and § 87(2)(b) was in the back. They had been to § 87(2)(b) on Ralph Avenue, a bar. They were going to go in but decided not to because § 87(2)(b)'s ex-girlfriend's family was there.

§ 87(2)(b) talked to his ex-girlfriend's sister and to the bouncer who was trying to get them to move their car. They were there for twenty minutes. They did not drink. § 87(2)(b)'s car is a beige Pontiac Bonneville. Police in an unmarked car stopped them as § 87(2)(b) was driving through a green light, nine blocks away from § 87(2)(b), on Clarendon Road. The street has four lanes, two going each way. There was a red minivan traveling next to them. The police vehicle tried to pull them over under the light and as § 87(2)(b) was pulling over, he almost hit the red minivan. When § 87(2)(b) pulled over an officer in plainclothes came to the window and asked him to step out of the car.

There were three officers in the car. The officer identified through this investigation as Sgt. Pignatelli, was driving the police car and went to § 87(2)(b) window. § 87(2)(b) described Sgt. Pignatelli as a chubby, white male with low-cut hair. The officer who came out of the passenger side of the police vehicle, identified as PO Tancredi was short, slimmer than Sgt. Pignatelli, with low-cut hair and freshly groomed facial hair. § 87(2)(b) did not pay much attention to the third officer's appearance but he was identified through the investigation as PO Teahan. § 87(2)(b) asked Sgt. Pignatelli why he was being pulled over but he replied, "I'll tell you after." § 87(2)(b) got out of the car. § 87(2)(b) was about to start videotaping while the officers were "manhandling" § 87(2)(b) putting their hands into his pockets in order to figure out whether he had a weapon. Sgt. Pignatelli took § 87(2)(b) and turned him around and put him face first on the car. § 87(2)(b) was trying to videotape the officers with a cell phone in his left hand and had a second phone in his right hand. PO Tancredi put his head into the window of the car where § 87(2)(b) was sitting and told § 87(2)(b) to give him the phone. § 87(2)(b) said, "For what? I am videotaping, I didn't do anything." PO Tancredi told § 87(2)(b) to give him the phone. § 87(2)(b) gave him the phone that did not have the videotaping function. PO Tancredi took the phone, threw it on the floor and started choking § 87(2)(b) with one hand on his throat, pushing him back against the seat and said, "Are you trying to be a smart guy." He stopped choking him after about five seconds and told him to step out of the car. Sgt. Pignatelli came through the driver's side, took his left arm and twisted it. § 87(2)(b) argued but then complied and stepped out of the car.

PO Tancredi lifted up his pants, looked near his socks, checked around his waistband, lifted his shirt. PO Tancredi then told him to go to the back of the vehicle with § 87(2)(b). § 87(2)(b) was in the back passenger seat while § 87(2)(b) was being choked. § 87(2)(b) was also told to go to the back of the car. At the back of the car, they all asked the officers for their names and badge numbers but the officers did not provide them. § 87(2)(b) believed that the officers must have realized that they were serious and that they weren't going to let it go. While they were at the back of the car the officers told them to face away from the car. The officers were "checking" the car without their permission. § 87(2)(b) glanced back and saw that they were looking under the seats and all over the car. He could not remember which officers were searching the car but remembered that PO Tancredi was with him so it was either Sgt. Pignatelli or PO Teahan. After they were done checking the car they asked § 87(2)(b) for his license and registration to check the insurance. They took § 87(2)(b) identification because he was the driver. The officers returned to their car and told § 87(2)(b), § 87(2)(b) and § 87(2)(b) to get back into their car.

§ 87(2)(b) told the officers that he had asthma and did not want to get back into the car because he could not breathe. The officers went back into their car and did not have a problem with the fact that § 87(2)(b) was standing outside the car. § 87(2)(b) got out of the car to videotape the officers in their car. Sgt. Pignatelli got out of the police vehicle and took the phone away from § 87(2)(b) and threw it into the car. The officers gave back their identifications and went back to their car. § 87(2)(b) was still standing outside. The officers told them from the car's loudspeaker to get inside the car. § 87(2)(b) said that he could not breathe inside the car because it was hot. PO Tancredi came out of the car and asked § 87(2)(b) if he had a problem and § 87(2)(b) said, "No, just the fact that you choked me." PO Tancredi said, "You know what, I'm taking you in." § 87(2)(b) asked, "Taking me in for what? What did I do?" PO Tancredi said, "Nothing you didn't do nothing." PO Tancredi handcuffed him and put him inside the car and said, "You should have kept your mouth shut." After putting him in the police car, PO Tancredi asked him to step outside again, searched him again, and put him back inside the car. PO Tancredi said, "You should have kept your mouth shut, we would have kept on moving."

When they got to the precinct about twenty minutes passed and § 87(2)(b) was brought into a room where they watched the Yankee game with Sgt. Pignatelli and PO Tancredi. § 87(2)(b) was still handcuffed. The officers told him that they were going to try to “Work something out with him.” The officers had out black law books and stated that they were going to find the lowest charge so he could leave that night because Monday was a holiday. Instead § 87(2)(b) went to Central Booking. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(b)]

§ 87(2)(a) 160.50

Civilians Not Interview

§ 87(2)(b) missed an appointment that he scheduled on the CCRB. After he missed his appointment, § 87(2)(b) did not try to get in touch with the CCRB. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) the individual whom § 87(2)(b) indicated witnessed the incident, was called and stated that he was too busy to make a formal statement at the CCRB. At the time of the call, § 87(2)(b) stated that he did not have time to talk and would call back. He did not attempt to contact the CCRB.

§ 87(2)(b) the individual named on the IAB log generated regarding this incident, was called but stated that he could not remember the incident. He did not recognize the names of the victims of this incident. He was not named as a witness by either § 87(2)(b) or § 87(2)(b) during their interviews at the CCRB.

§ 87(2)(g)

Officer Identification

PO Tancredi was § 87(2)(b)'s arresting officer and provided his name to § 87(2)(b) when he called IAB. When PO Tancredi was interviewed at the CCRB he identified Sgt. Richard Pignatelli and PO Jerome Teahan as his partners. They are also listed on the roll call as the officers who were assigned to anti-crime on the date of this incident. PO Tancredi stated that he was the officer who went to the front passenger side of the vehicle. Sgt. Pignatelli stated during his interview that he was the driver of their unmarked RMP and was the officer who spoke primarily to § 87(2)(b) § 87(2)(b), § 87(2)(g)

PO John Tancredi filed a **stop, question and frisk report** for § 87(2)(b) § 87(2)(b) (6D). The report stated that on October 10, 2006, at 1:10AM in the vicinity of Clarendon Road and E. 51st Street, § 87(2)(a) 160.50

PO Tancredi filed the **arrest report** for § 87(2)(b) (6A-6C). § 87(2)(a) 160.50

PO Tancredi was interviewed at the CCRB on January 25, 2007 (6H-6I). He stated that on October 7, 2006 he worked from 5:30PM to 7:00AM. He was assigned to Anti-crime and worked with PO Teahan and Sgt. Pignatelli. They were assigned to a black Chevy Impala. His memo book states that at 1:15AM, they were at Clarendon Road and East 51st Street in route back to 67th Precinct. Uf-250 prepared for the operator, § 87(2)(b) At 1:30AM they were back at the 67th Precinct with § 87(2)(b) arrest number § 87(2)(b) for § 87(2)(a) 160.50.

At 1:15AM, there was '95 Bonneville traveling eastbound on Clarendon Rd., the officers were behind the vehicle at a red light and the light turned green. The passenger of the vehicle was talking to a female in the car next to them. The officers waited for a minute but then honked the horn. PO Tancredi could not

remember if the siren went off. Sgt. Pignatelli was driving and PO Tancredi was the front seat passenger. The driver of the vehicle in front of them, § 87(2)(b) swerved and almost hit the woman's vehicle. The female drove away. § 87(2)(b) swerved into one lane and swerved back. He changed lanes and then swerved back. His driving was not right so they conducted a car stop. They stopped the vehicle less than two blocks from the light. They did not discuss the stop before making the stop.

Sgt. Pignatelli pulled the car over to the right hand side of the road and pulled up behind the car. PO Tancredi went to the passenger's side. He could not remember if the window was opened or closed. PO Tancredi stated that besides the driver and the passenger, no one else was in the car. Sgt. Pignatelli went to the driver's side and PO Tancredi did not know where PO Teahan went. When the officers approached the car, Sgt. Pignatelli asked for § 87(2)(b) license and registration. The passenger, § 87(2)(b) told the driver, "Don't give them anything. Fuck them. It's my car." As the driver was complying with the officers, § 87(2)(b) was pulling on the driver's hands. They asked the driver if he had been drinking and he said, "No." Sgt. Pignatelli asked § 87(2)(b) to come out of the car. § 87(2)(b) came out of the car. § 87(2)(b) also tried to come out of the car but PO Tancredi told him to stay in the car. There was no controlling § 87(2)(b). He was obviously intoxicated and was being belligerent. § 87(2)(b) was stumbling, his speech was impaired, he was slurring his words, his eyes were glassy and he could not conduct himself in a proper manner. § 87(2)(b) said, "I've dealt with these pigs before, fuck them, it's my car....We're leaving, just leave, drive off, we're leaving, we're not giving them anything." The driver was telling § 87(2)(b) to calm down and relax. § 87(2)(b) got out of the car three times. § 87(2)(b) started grabbing PO Tancredi. He was placed under arrest § 87(2)(a) 160.50. Other than the minimal force used to get § 87(2)(b) into handcuffs, no physical force was used against § 87(2)(b).

The officers continued their investigation with the driver who, it turned out, was not intoxicated, and then went back to the precinct with § 87(2)(b). The driver was not frisked or searched. The passenger was searched incident to his arrest but not prior to that. PO Tancredi stated that none of the officers searched the car. PO Tancredi stated that he never asked § 87(2)(b) to get out of the car because he was trying to get him to stay in the car. The road is busy. PO Tancredi stated that he did not make contact with § 87(2)(b)'s neck or throat. PO Tancredi stated that he could not recall any of the vehicle's occupants recording video on their cell phones. PO Tancredi stated that no other officers used physical force against § 87(2)(b) and he was not assisted in handcuffing § 87(2)(b). PO Tancredi stated that when § 87(2)(b) kept getting out of the car, he used verbal commands to get him to go back into the car. PO Tancredi stated that it was his decision to put § 87(2)(b) under arrest because § 87(2)(b) was "completely out of control." § 87(2)(b) came to the precinct and asked PO Tancredi for his name and badge and PO Tancredi wrote it down for him. PO Tancredi did not know if he asked any other officers for their names or shield numbers. § 87(2)(b) was not cited for any traffic infractions but was warned and admonished because his driving could be interpreted as DWI.

PO Tancredi stated that back at the precinct, he was going to issue § 87(2)(b) a DAT but he was not eligible § 87(2)(a) 160.50. § 87(2)(b) apologized to PO Tancredi and told him that he had had way too much to drink. He said that they were going from one party to the next and he had asked § 87(2)(b) to drive because he was intoxicated. He said that he had been stopped earlier in the day and it had worked when he acted erratically. § 87(2)(b) never complained that he was having an asthma attack during this incident. PO Tancredi could not recall putting his head into the window of the car or breaking the plane of the door. PO Tancredi stated that he did not threaten to arrest § 87(2)(b).

PO Jerome Teahan was interviewed at the CCRB on February 21, 2007 (7D-7E). He worked from 5:30PM on October 6, 2007 to 3:05AM on October 7, 2006. He was assigned to the anti-crime team with Sgt. Pignatelli and PO Tancredi. PO Teahan was dressed in plainclothes and assigned to a black Chevy Impala. At 1:15AM he noted in his memo book that PO Tancredi had made an arrest § 87(2)(a) 160.50.

PO Teahan and the other officers were stopped at a red light behind § 87(2)(b) vehicle. When the light turned green the vehicle in front of them did not move. They waited for almost a minute and Sgt. Pignatelli hit the siren, which is where the horn usually is on the steering wheel. The car in front of them started

going and swerved a little. In the length of about two more blocks the car swerved a couple more times. At that point the officers pulled the driver over, thinking that he might be intoxicated. The officers exited the vehicle and PO Teahan went to the driver's side with Sgt. Pignatelli. PO Tancredi went to the passenger's side. When they got to the window, they smelled the odor of alcohol coming from the window. There were two men in the car. Sgt. Pignatelli interviewed the driver to see if he was in fact intoxicated. Sgt. Pignatelli asked § 87(2)(b) to come out of the car to see if he was slurring his speech, had any alcohol on his breath or bloodshot eyes, and anything else that might indicate that he was intoxicated. PO Teahan was focused on determining whether or not § 87(2)(b) was drunk. There was no indication from his behavior that he was intoxicated.

In the meantime, the passenger of the car, § 87(2)(b) had exited the vehicle and was being loud and boisterous. He was creating a scene. § 87(2)(b) got back into the car and then came out again. PO Tancredi was on that side of the vehicle with the passenger. PO Teahan did not know why the passenger had come out of the car. As this was going on § 87(2)(b) was telling § 87(2)(b) to "Calm down. Shut up. Just leave it alone. Leave it alone." PO Teahan stated that he was too focused on § 87(2)(b) to know what happened between § 87(2)(b) and PO Tancredi. He stated that he did not see § 87(2)(b) being put into handcuffs. When PO Teahan observed § 87(2)(b) in handcuffs, § 87(2)(b) was standing up at the back passenger side of his car, at the trunk. PO Tancredi was behind him holding his handcuffs. PO Teahan stated that he did not frisk § 87(2)(b) and did not recall if he was frisked. PO Teahan did not have a clear recollection of whether anyone went into § 87(2)(b) pockets. Later PO Teahan was informed that § 87(2)(b) was arrested § 87(2)(a) 160.50. When asked if he had observed § 87(2)(b) being disorderly, PO Teahan stated, "Just by him yelling and screaming after exiting the vehicle. He was creating a scene. That's basically what disorderly conduct is." PO Teahan did not see any force being used against § 87(2)(b). He did not see any contact made with his neck or throat. PO Teahan stated that he did not know if a phone was taken away from any of the vehicle occupants or that they were taking video of the incident. PO Teahan was not asked for his name or shield number and he did not hear anyone ask for the names or shield numbers of the officers he was working with. PO Teahan stated that neither he nor any of the officers he was working with went into the car or broke the plane of the door. PO Teahan stated that he did not threaten to arrest anyone. When they got back to the stationhouse PO Teahan did paperwork and cleaned up. Then he left.

Sgt. Richard Pignatelli was interviewed at the CCRB on April 4, 2007 (8A-8B). On October 7, 2006, Sgt. Pignatelli worked from 5:26PM to 2:10AM. He was assigned as the Anti-Crime supervisor and worked with PO Tancredi and PO Teahan in an unmarked vehicle a black Chevy Impala.

On October 7, 2006, Sgt. Pignatelli, who was driving the police car, was sitting at a green light in the vicinity of Clarendon Rd and East 48th Street. The vehicle in front of his car did not move when the light turned green. He waited a few seconds for the driver to proceed through the intersection but he did not move. Sgt. Pignatelli hit the siren on his car and the driver in front of him moved to the right, almost hitting a vehicle that was passing him in the right lane. Sgt. Pignatelli decided to follow him because he thought the driver might be intoxicated because it was 1:30AM on a Saturday night/Sunday morning and there are a lot of clubs in the area. Upon following the car for a few blocks, the driver was swerving from lane to lane, so Sgt. Pignatelli decided to conduct a car stop. Sgt. Pignatelli pulled him over to the right. He and PO Teahan went to the driver's side of the car. PO Tancredi approached on the passenger side. The window came down. Either Sgt. Pignatelli or PO Teahan asked the driver, § 87(2)(b) for his license, registration and insurance. Sgt. Pignatelli could smell alcohol coming from the vehicle, so he or PO Teahan asked § 87(2)(b) to come out of the car. There were two people in the car. § 87(2)(b) came out of the vehicle and had a conversation with Sgt. Pignatelli and PO Teahan. Sgt. Pignatelli stated that he did not frisk § 87(2)(b) and did not know if PO Teahan or PO Tancredi frisked or searched § 87(2)(b). At that point Sgt. Pignatelli saw PO Tancredi telling the passenger, § 87(2)(b) to stay in the car. § 87(2)(b) was trying to open the door. Sgt. Pignatelli was trying to pay attention to both PO Teahan and PO Tancredi. After Sgt. Pignatelli and PO Teahan determined that § 87(2)(b) was not intoxicated, they asked him to have a seat in his vehicle. Sgt. Pignatelli walked around to the passenger side of the vehicle and by that time PO Tancredi had his handcuffs and was placing § 87(2)(b) under arrest. Sgt. Pignatelli asked PO Tancredi what happened and PO Tancredi told him, "The guy's drunk; he

keeps trying to pass by me. He bumped into me trying to get to the other side.” After handcuffing § 87(2)(b) he was frisked and searched. They put § 87(2)(b) in their car and took him back to the precinct.

The car belonged to § 87(2)(b) but § 87(2)(b) was driving because § 87(2)(b) had been drinking. Sgt. Pignatelli stated that only the minimal amount of force necessary to put § 87(2)(b) into handcuffs was used. He said that, to his knowledge, no contact was made with § 87(2)(b)'s neck or throat. He did not complain of any injuries or pain. Sgt. Pignatelli stated that to his recollection, he did not search the car. He stated that he did not know if PO Teahan or PO Tancredi searched the car but that he did not believe so. Sgt. Pignatelli stated that he did not break the plane of the door and could not recall if PO Tancredi and PO Teahan did or did not break the plane of the door. Sgt. Pignatelli stated that he believed PO Tancredi allowed § 87(2)(b) to come out of the car in order to give him some space and make it easier for him to control § 87(2)(b) and so that he would not get hit with the door. § 87(2)(b) did not complain that he was having any trouble breathing or that he was asthmatic. Sgt. Pignatelli stated that if § 87(2)(b) had expressed any need for medical attention, he would have called an ambulance for him. Sgt. Pignatelli did not notice any of the car's occupants trying to take video of the incident. He stated that he did not recall any of his officers seizing a phone from the car's occupants. Sgt. Pignatelli stated that he could not remember any of the individuals from the car asking for names or shield numbers from him or the officers he was working with. § 87(2)(b) was charged § 87(2)(a) 160.50

Complainants' Conviction History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Complainant's CCRB History

§ 87(2)(b) and § 87(2)(b) have not made other complaints at the CCRB.

Officers' CCRB History

Sgt. Richard Pignatelli has one substantiated allegation on his CCRB record in connection with case #200510952, for a vehicle search. No disciplinary action was taken on the part of the NYPD in relation to this substantiation. PO John Tancredi has no prior substantiated complaints.

Conclusions and Recommendations

Undisputed and Disputed Facts

It is undisputed that Sgt. Pignatelli stopped § 87(2)(b) who was driving § 87(2)(b)'s vehicle, after § 87(2)(b) came close to hitting another vehicle. Sgt. Pignatelli questioned § 87(2)(b) about whether or not he had been drinking in order to find out if he was driving while intoxicated. § 87(2)(b), § 87(2)(g)

Credibility

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) was § 87(2)(b) at the time of this incident. § 87(2)(b), § 87(2)(g)

According to § 87(2)(b)

PO Tancredi choked him but later allowed him to watch the Yankees game at the precinct. § 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Allegations Not Pleaded

§ 87(2)(g)

Allegation A: Sgt. Richard Pignatelli searched § 87(2)(b)

Allegation B: Sgt. Richard Pignatelli supervised the search of the car in which § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) were occupants.

Both § 87(2)(b) and § 87(2)(b) claimed that Sgt. Pignatelli searched § 87(2)(b) and that the vehicle was searched. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) Sgt. Pignatelli denied that he searched § 87(2)(b) or the car. PO Teahan could not recall if § 87(2)(b) was frisked and denied that either he or any other officer searched the car or broke the plane of the door. PO Tancredi denied that § 87(2)(b) was searched and that the vehicle he was driving was searched. According to the officers' statements and to the documentation regarding this incident the purpose of the stop was to investigate whether or not the driver was drunk. There was no reason provided by either the civilians or officers that the officers would have searched § 87(2)(b) or searched the car. PO Tancredi indicated in the UF 250 that § 87(2)(b) was not frisked or searched. § 87(2)(g)

Allegation C: Sgt. Richard Pignatelli refused to provide his name to § 87(2)(b)

Sgt. Pignatelli denied that he was asked for his name and shield number. § 87(2)(b), § 87(2)(g)

Allegation D: PO John Tancredi searched § 87(2)(b)

According to § 87(2)(b) and to § 87(2)(b) PO Tancredi searched § 87(2)(b) prior to his search incident to arrest. § 87(2)(b), § 87(2)(g)

Allegation E: An officer searched § 87(2)(b)

According to § 87(2)(b), § 87(2)(b) was also searched at the time that § 87(2)(b) was searched. § 87(2)(b), § 87(2)(g)

The officers denied that there was a third person in the vehicle. § 87(2)(b), § 87(2)(g)

Allegation F: Sgt. Richard Pignatelli used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Sgt. Pignatelli twisted his arm and threw his cellphone into the car while § 87(2)(b) was trying to take a video of the officers. § 87(2)(b), § 87(2)(g)

When asked if anyone at the scene was trying to video the incident, all the officers interviewed stated that they did not recall or notice that the occupants were taking video. Although § 87(2)(b) stated that Sgt. Pignatelli took the phone away from § 87(2)(b) he did not allege that he used any force in order to take it away from § 87(2)(b) Sgt. Pignatelli stated that he did not recall if any officers seized a phone from the car's occupants. § 87(2)(b), § 87(2)(g)

Allegation G: PO John Tancredi used a chokehold against § 87(2)(b)

Allegation H: Sgt. Richard Pignatelli used physical force against § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

The officers interviewed denied using any force other than the minimal force used to get § 87(2)(b) into handcuffs. § 87(2)(b) did not seek medical attention. § 87(2)(b), § 87(2)(g)

Allegation I: An officer refused to provide his shield number.

§ 87(2)(b) alleged that an officer refused to provide his name and shield number at the 67th Precinct stationhouse. He was unable to identify this officer or provide a description. § 87(2)(b) stated that during the incident all of the occupants of the vehicle were asking for names and shield numbers. § 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: